(2—199.)

Record, 506. 1891. Intf. Page, 196.

Interference.

"O"

No. 14,834

T. H. Macdonald
Sr No. 382,091

=vs=

Louis S. Clarke

=vs=

John F. Barber.

Coin Operated Phonograph.

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Research Library

21-91

1891.

ATTORNEYS.

Louis L Clarke,
" James I. Kay,
Pittsburg, Pa.

John E. Barber
" A. J. O'Brien,
Denver, Col.
E. Aughinbaugh,
City. (Assoc.)

H. Macdonald,
" E. W. Smith Jr.
Bridgeport, Conn.

(2–070.)

INDEX.

INTERFERENCE.

No. 14,854

Clarke

v.

Barber.

SUBJECT-MATTER:

Coin Operated Phonograph.

12710–3 m

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Nov. 21-'90. Declaration. Prelim. hearing Jan. 6-'91

Jan 5th "1891, Statement of Barber,

" " " " Letter to "

" 6th " " Statement of Clarke

" " " " Letter to "

March 3rd " Request of Primary Examiner for suspension under rule "129."

" 5 " Interference suspended.

" 26 " Re-declaration. Prelim. hearing May 18-'91

June 5th " Concession by Macdonald

" 12 " Judgment against Macdonald on concession. appeal waived

Sept. 3 " " Decided in favor of Barber. Limit of appeal Sept. 24-'91.

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(2—030.)

Room No.....
All communications should be addressed to "The Commissioner of Patents, Washington, D. C."

DEPARTMENT OF THE INTERIOR,

PATENT OFFICE NOV 21 1890

United States Patent Office,

Washington, D. C., Nov. 14, 1890

EXAMINER OF INTERFERENCES.

An interference is found to exist between the following cases, and in respect to the invention therein specified, to wit:

CASES.

1. L. S. Clarke, of Pittsburg, Pa., for Automatic Phonograph Operating Apparatus, filed Aug. 7, 1890; Ser. No. 361,333, whose attorney is J. D. Kay, of Pittsburg, Pa.

2. J. F. Barber, of Denver, Col., for Coin Controlled Mechanism, filed June 2, 1890; Ser. No. 354,023, whose attorney is A. J. O'Brien, of Denver, Colorado, associate W. E. Aughinbaugh, of Washington, D.C.

3. ....., of ....., for ....., filed ....., 18....; Ser. No. ....., whose attorney is ....., of .....

INVENTION.

In a phonograph, the combination with the feeding screw and wheel operating the same, and the reproducer frame, of a frame carrying a friction roller contacting with a wheel for driving

17616 b—3 m

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the feeding screw, and a cord connected to said friction roller and the reproducer frame.

The foregoing issue covers substantially claims 1, 2, 3, and 4 of Clarke's application, and claims 3 and 8 of Barbier's application.

W. L. Aughinbaugh,
Examiner

Simpson
1st Asst Exr.

Declaration of Interference of Nov. 21, 1894
Time for filing statement set for Jan. 6, 1894

Int. No. 14,854 Patent No. 1

Clarke v. Barbier.

14854 — 4

Clarke

VS.

Barber

STATEMENT OF

Clarke

Filed June 6, 1891.
Approved Sept. 1, 1891.

C. F. C.

IN THE UNITED STATES PATENT OFFICE.

--oOo--

J. F. Barber	)	
	:	
vs	)	Interference No.14,854.
	:	Automatic Phonograph Operating
L. S. Clarke.	)	Machines.

--oOo--

PRELIMINARY STATEMENT OF LOUIS S. CLARKE.

--oOo--

Louis S. Clarke, of Pittsburgh, in the County of Allegheny, State of Pennsylvania, being duly sworn, deposes and says:-I am a party to the above interference declared by the Commissioner of Patents, November 21st, 1890, between my application and the applications of J. F. Barber. I conceived the invention set forth in the 1st, 2nd, 3rd and 4th claims of my application, which are alleged to be involved in the above interference on or about June 2nd, 1890. I ~~xxxxxx~~ disclosed the same to others on or about June 4th, 1890. I made no model or drawing of the apparatus but proceeded at once to build a full sized working machine, which working machine was completed and successfully operated on or about June 11th, 1890. Since that time the invention has been employed in numerous machines in practical use.

Louis S. Clarke

Sworn to and subscribed before me this 5th day of January 1891.

J. M. Cooke
Notary Public

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Rule of Doubt

(2—080.)

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DEPARTMENT OF THE INTERIOR,

U.S. PATENT OFFICE
MAR 26 1891

United States Patent Office,

Washington, D. C., Mar. 14, 1891

EXAMINER OF INTERFERENCES.

An interference is found to exist between the following cases, and in respect to the invention therein specified, to wit:

CASES.

1. J. H. Macdonald, of Bridgeport, Conn, for Coin Controlled Phonograph, filed Feb. 19, 1891; Ser. No. 382,091
whose attorney is F. W. Smith, Jr., of Bridgeport, Conn.

2. L. S. Clarke, of Pittsburg, Pa, for Automatic Phonograph Operating Apparatus, filed Aug. 7, 1890; Ser. No. 361,333,
whose attorney is J. D. Kay, of Pittsburg, Pa.

3. J. F. Barber, of Denver, Col., for Coin Controlled Mechanism, filed June 2, 1890; Ser. No. 354,023,
whose attorney is A. J. O'Brien, of Denver, Col
and W. L. Coughlinbaugh Washington, D.C.

INVENTION.

The issue remains the same as before and covers substantially claim 9 of Macdonald's application claims 1, 2, 3, and 4 of Clarke's application and claims 3 and 8 of Barber's application.

W. L. Coughlinbaugh,
Examiner

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Simpson
1st Asst Exr.

Intf. No. 14854 Paper No. 9.

Macdonald
vs Clarke vs
Barker.

Concession by
Macdonald.

Case "C."

U.S. PATENT OFFICE.
JUN 5 1891
DIVISION XII

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IN THE UNITED STATES PATENT OFFICE.

In the matter of the application of T. H. MacDonald, No. 291,118 filed April 29, 1891, Coin Controlled Phonograph.

Hon. Commissioner of Patents,

Sir:-

Under the provisions of Rule 125, I hereby concede that I am not the prior inventor of the subject matter of interference No. 14,854, (O).

I request that said interference be dissolved in so far as my application is concerned.

T. H. MacDonald
Inventor.

Witness
F. O. Smith Jr.
S. S. Williamson

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Intf. No. 14,854 Paper No. 10

Macdonald v.
Clark v. Barber.

Judgment against
Macdonald on
concession.

June 12-'91.

Fees Dols. 36.40

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E.C.C.

(2—067.)

DEPARTMENT OF THE INTERIOR.

MAILED
★ JUN 12 1891 ★
U. S. PATENT OFFICE.

United States Patent Office,

Washington, D. C., June 12, 1891

IN RE INTERFERENCE

Macdonald v. Clarke

v.

Barber.

Coin Operated Phonograph.

No. 14,854. O.

Before the Examiner of Interferences.

A concession by Macdonald that he is not the prior inventor of the matter in issue in this interference having been filed, and the same having been found to comply with the requirements of Rule 125, it is hereby adjudged and decreed that said Macdonald is not the first inventor of the matter of the issue in this interference.

Said concession being construed as a waiver of the right of appeal from a decision rendered in accordance therewith, this judgment becomes final and the application file of Macdonald will be forthwith transmitted to the primary examiner.

The interference will continue as to the remaining parties.

Wallace Johnson

Examiner of Interferences.

1084 6—5 m

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Intf. No. 14,854 Paper No. 11

Clarke v. Barber.

Decision of priority in favor of Barber. Sept. 3-'91.

Recorded Osl. 37, p. 338

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Room No. 44.

All communications should be addressed to "The Commissioner of Patents, Washington, D. C."

12-069 c.

U.S PATENT OFFICE. SEP 3 1891

DEPARTMENT OF THE INTERIOR.

United States Patent Office,

Washington, D. C., Sept 3 1891.

IN RE INTERFERENCE

Clarke

v.

Barber.

Interference No. 14,854.

Before the Examiner of Interferences.

Subject-matter: Coin Operated Phonograph.

The preliminary statement filed by Clarke, the junior party, failing to overcome the prima facie case made against him by the respective dates of filing applications, judgment on the record of priority of invention is accordingly hereby rendered in favor of John F. Barber, the senior party herein, in accordance with the provisions of Rule 111.

Limit of appeal will expire Sept. 24, 1891.

C. F. C.

H. St. Brick
Acting Examiner of Interferences.

14683 b—3 m